

Notice of Allowability

Application No.

09/977,508

Examiner

Todd Ingberg

Applicant(s)

ALLISON, DAVID S.

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/6/2004.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ The drawings filed on 12 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The FAOM rejected the claimed invention by showing the ability to extend an element of a program with a DLL. The Applicant's amendment overcame this rejection with the following:

"1. (Currently Amended) A method of extending a program element comprising: writing source code wherein said source code includes said program element; determining if said program element is to be extended; and extending said program element, if so, using an extend structure, wherein the extend structure is included in the source code."

Applicant's arguments that a DLL is not included in the source code is persuasive and supports the amendment. DLLs are an external structure that by definition add data or code as per First Action On Merits. (FAOM). The Applicant's arguments are scanned as are as follows:

"Rejection(s) under 35 U.S.C § 102

Claims 1-30 stand rejected under 35 U.S.C. § 102(b) in view of "Visual C++" by Ivor Horton (hereafter "Horton"). Independent claims 1, 11, and 21 have been amended to include the limitation: "wherein the extend structure is included in the source code." Support for this amendment may be found, for example, on pages 6, and 8-10 of the Instant Specification. The Applicant respectfully asserts that no new matter has been added by way of these amendments. To the extent that the rejection still applies to the amended claims, the rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.

As discussed above, the independent claims 1, 11, and 21 have been amended to include the limitation "wherein the extend structure is included in the source code." The Applicant respectfully asserts that the aforementioned limitation is not disclosed in Horton. In particular, the Examiner has attempted to equate the extend structure recited in the claims with the concept of Dynamically-Linked Libraries (DLLs) recited in Horton. The Applicant respectfully asserts that this attempt to equate these concepts is incorrect. Specifically, Horton defines DLLs as portions of code that are referenced by the application, but which are loaded at runtime (See Horton, p.717). Horton also notes that DLLs support both early binding (i.e., binding once the DLL and program referencing the DLL are loaded in to memory) and late-binding (i.e., binding after the program referencing the DLL is already executing) (See Horton, p.718). Regardless of the implementation, the program using DLLs only include references to the DLLs as opposed to including the entire extend structure in the source code.

Further, DLLs do not extend program elements as asserted by the Examiner. Rather,

Art Unit: 2124

DLLs provide an implementation of the program element which is accessed by a reference in the . program. Thus, if the DLL is modified, then all references to the DLL may also need to be modified to ensure that the programs that are referencing the DLL still operate correctly. For example, if a DLL requiring two parameters is modified to use only one parameter, then the reference to the DLL in the program may need to be modified to handle the modified DLL. In contrast, the extend structure extends the functionality of the program element while not modifying the original program element. Thus, if additional functionality for a particular program element is required, then a user may employ the extend structure without modifying the original program element. This allows the user to be confident that the additional functionality added to the particular implementation of the program element (e.g., a class) will not effect other implementations of the same program element in other programs.

In view of the above, Horton does not support the rejection with respect to any of independent or dependent claims. Accordingly, withdrawal of the rejection is respectfully requested. “

End of Applicant's Persuasive Arguments

Upon an update search the following reference were considered.

US Patent Literature

6,446,256 Hyman et al The Extension is a “parsable structure”. Although, a line of code could be considered a parsable structure the extension is to the parser structure.

6,769,001 Halstead et al. This reference is limited to variables of non local values and pre-allocated memory.

6,598,052 Saulpaugh et al The reference uses a external database for definition of configuration information.

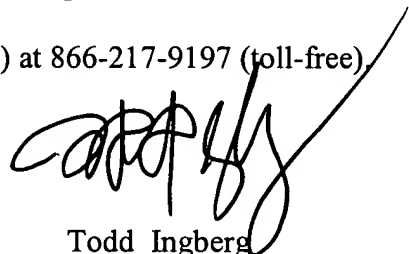
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Correspondence Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd Ingberg
Primary Examiner
Art Unit 2124

TI